

Policy and Guidelines for the Sexual Harassment at Workplace

1. About ICC

The Internal Complaint Committee (ICC) at Ashoka Center for Business & Computer Studies, Nashik, was established in 2019 in accordance with 'The Sexual Harassment at Workplace (Prevention, Prohibition, and Redressal) Act, 2013'. In addition to adhering to the provisions of this Act, the ICC also upholds the principles outlined in the Vishakha guidelines, which preceded this legislation.

The committee is tasked with receiving and investigating complaints of sexual harassment within the establishment. Furthermore, it is responsible for raising awareness about sexual harassment issues among employees and fostering a safe and respectful work environment.

The Act provides clear guidelines for the constitution of such committees, the procedures for filing complaints, and the conduct of inquiries into these complaints. These processes are designed to be carried out in a timely manner to ensure prompt resolution and justice for all parties involved.

Overall, the ICC at Ashoka Center for Business & Computer Studies is committed to upholding the principles of the law and creating a workplace environment where all individuals feel safe, respected, and empowered.

2. Objectives of ICC

- To provide a neutral, confidential and supportive environment for members of the campus community who may have been sexually harassed.
- To ensure fair and timely resolution of sexual harassment complaints
- To provide counselling and support services on campus
- To ensure that students, faculty and staff are provided with current and comprehensive materials on sexual harassment
- To promote awareness about sexual harassment through educational initiatives that encourages and fosters a respectful and safe campus environment



3. Strategies and initiatives to achieve objectives:

- **Complaint Redressal:** Following the guidelines outlined in 'The Sexual Harassment at Workplace (Prevention, Prohibition, and Redressal) Act, 2013', the Committee ensures that appropriate action is taken upon receiving complaints of sexual harassment. This may involve conducting thorough investigations, providing support to the complainant, and imposing disciplinary measures on the perpetrator if necessary.
- **Dissemination of Information:** The Committee engages in the production, distribution, and circulation of educational materials, posters, handouts, and other resources to the ACBCS campus community. These materials aim to raise awareness about sexual harassment, inform individuals about their rights and responsibilities, and provide guidance on how to prevent and address instances of harassment.
- **Awareness Workshops:** The Committee organizes workshops for faculty, non-teaching staff, and students with the objective of fostering a nonthreatening and non-intimidating atmosphere of mutual learning. These workshops may cover topics such as recognizing different forms of sexual harassment, understanding the importance of consent, promoting respectful communication and behavior, and providing information about available support services.
- **Counselling Services:** Recognizing that sexual harassment cases are often underreported and sensitive in nature, the Committee offers confidential counselling services to individuals who have experienced harassment. Counselling provides a safe and supportive space for victims to discuss their experiences, express their feelings, and receive emotional support and guidance on coping mechanisms. This service aims to empower victims and help them navigate the aftermath of harassment in a healthy and productive manner.

4. Definition of Sexual Harassment:

“Sexual Harassment” includes any unwelcome sexually inclined behaviour, whether directly or indirectly, such as:

- Physical contact and advances
- Demand or request for sexual favours



- Sexually coloured remarks
- Showing any pornographic content,
- Or any other unwelcome physical, verbal or non-verbal conduct of sexual nature/overtones

Sexual harassment is not limited to interactions between individuals of different genders; it can occur between individuals of the same gender as well. It's important to note that the perception of the behavior by the recipient is crucial; what matters is whether the behavior is unwanted or unwelcome by the recipient, regardless of the intent of the person engaging in it.

5. Definitions for reference:

Complainant: can be a person who has been subject to Sexual Harassment and / or any Person reporting an incident of Sexual Harassment. A third party can also be a Complainant, however, a written Complaint from the Person who has been subject to Sexual Harassment is mandatory to be filed with the ICC as the case may be.

Respondent: The person who is alleged/reported to have committed act of Sexual Harassment.

6. Functions of ICC :

- To prevent sexual harassment at workplace.
- To prevent discrimination and sexual harassment against person by promoting gender amity among students and employees
- To conduct periodical programmes on women empowerment.
- To provide conducive environment and congenial atmosphere for women.

7. Who can approach ICC for help?

Any *aggrieved person* who has suffered harassment at workplace can approach ICC.
Aggrieved person includes :

- a. Woman/Man who is an employee, or



b. Someone visiting workplace, but has experienced the harassment, perchance, on the campus. or

C.student

Note: A legal heir or a person prescribed can make a complaint on behalf of the woman, if the aggrieved is unable to do so on account of physical, mental capacity or death.

8. Process of making complaint of sexual harassment

An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident. ICC may extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period. Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental in capacity or death.

9. Manner of inquiry into complaint.

- (1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- (2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- (3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority of the HEI. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- (4) The Executive Authority of the HEI shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.



(5) An appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority of the HEI within a period of thirty days from the date of the recommendations.

(6) If the Executive Authority of the HEI decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the HEI shall proceed only after considering the reply or hearing the aggrieved person.

(7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The HEI shall facilitate a conciliation process through ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.

(8) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry

By following these procedures, the ICC aims to ensure fair and efficient resolution of complaints of sexual harassment while upholding the principles of natural justice and due process.

10. What are the possible actions that can be taken against the respondent?

- Warning
- Written Apology
- Bond of good behavior
- Adverse remark in the confidential report
- Stopping of increments/promotion
- Suspension
- Dismissal
- Any other relevant actions



11. Confidentiality

The college will do everything consistent with the enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly. Information about individual Complaints and their disposition is considered confidential and will be shared only on a "need to know" basis. However, the ICC members and / or Employer shall not be held responsible under the present confidentiality clause in the event the Complaint is filed by a third party and/or material facts with regard to Complaint are already known to other persons / individuals. Further, once the Complaint is redressed by the ICC, as the case may be the Employee should share the information with all employees with regard to the filing, redressal and disposal of the Complaint in a fair and timely manner without disclosing name of the Complainant and Respondent.

12. ICC will prepare annual report and shall have the following details:-

- number of complaints of sexual harassment received in the year;
- number of complaints disposed off during the year;
- number of cases pending for more than ninety days;
- number of workshops or awareness programme against sexual harassment carried out;

13. Conclusion

At ACBCS, we endeavor to provide a conducive and healthy work environment where the relationship amongst the Students, employees as well as with the Employer are cordial and supporting in all aspects, so that each employee & student shall have an enriching experience. The objective of this policy is to ensure our employees and students that ACBCS is determined to provide them excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

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